

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 09, 2005**

DIVISION TWO

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B175608      The People  
v.  
Ranger Insurance Company

It is ordered that appeals Nos. B175608 and B178162 be consolidated, with case No. B175608 to be the lead case and briefing to proceed according to the briefing schedule in appeal No. B175608. Appellant's opening brief filed in B175608 will also be the opening brief in B178162.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B171718 People v. Singleton  
B176042 Children and Family Services v. Latif M.  
B174477 People v. Coronel

Argument waived, cause submitted.

B174235 Von Beltz, et al.  
v.  
Nova Regency Corporation, et al.

Merits:  
Argued by Maria K. Ajhar for appellants and by Constantin Marcou for respondents. Cause submitted.

B170183 People  
v.  
Samuels

Merits:  
Argued by Allison Adams for appellant and by Robert S. Henry, deputy attorney general for respondent. Cause submitted.

B176293 Ashford  
v.  
Governing Board of the Culver City Unified School District

Merits:  
Argued by Richard J. Schwab for appellant and by Edward Reitkopp for respondent. Cause submitted.

B167528 King & Ferlauto  
v.  
Clark

Merits:  
Argued by Ernesto Clark, in propria persona for appellant and by David J. Ozeran for respondent. Cause submitted.

DIVISION THREE (Continued)

B171814     Arambula  
              v.  
              Union Carbide Corporation

Merits:  
Argued by Margaret Johnson for appellant and by Lloyd F. LeRoy for respondent. Cause submitted.

B165163     Lujano  
              v.  
              Regents of the University of California, et al.

Merits:  
Argued by Brian K. O'Connor for appellant and by Carolyn Oill for respondents. Cause submitted.

B175185     Boales, et al.  
              v.  
              Blue Shield of California, et al.

Merits:  
Argued by Christopher E. Angelo for appellants and by Elise Klein, David Ozeran, Gina McCoy and Gregory N. Pimstone for respondents. Cause submitted.

Court recessed at 1:25 p.m.

Court reconvened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B173334 People v. Nguyen  
B175042 Children and Family Services v. Robbin S.  
B174156 People v. Gutierrez

DIVISION THREE (Continued)

Each of the following (continued):

B173779 People v. Garcia  
B180627 Rigoberto B., et al. v. S.C.L.A.

Argument waived, cause submitted.

B165820 Gallegos  
v.  
Law Offices of Fred M. Charness, et al.

Merits:  
Argued by Suzanne E. Rand-Lewis for appellant and by Dennis E. Braun  
for respondents. Cause submitted.

B175778 People  
v.  
Ranger Insurance Company, et al.

Merits:  
Argued by Diana R. Griffiths for appellants and by Matthew G. Monforton,  
deputy attorney general for respondent. Cause submitted.

B172889 Hougard  
v.  
Carnet Insurance Agency, Inc., et al.

Merits:  
Argued by John Parker McCormick for appellant and by Robert Muhlbach  
and John Brydon for respondents. Cause submitted.

B170515 Scott  
v.  
City of Los Angeles

Merits:  
Argued by Delores Yarnall for appellant and by Janet G. Bogigian, deputy  
city attorney for respondent. Cause submitted.

DIVISION THREE (Continued)

B158336 Gill, et al.  
v.  
Rich, et al.

Merits:

Argued by Michael Pearce and Raul Aguilar for appellants and by George Schulman for respondents. Supplemental brief due on March 14, 2005 by the respondents, response due on March 21, 2005 by the appellants, reply due on March 24, 2005 by the respondents. Submission deferred.

Court adjourned at 4:39 p.m.

DIVISION FOUR

B175088 People (Not for Publication)  
v.  
Soto

The judgment with respect to the imposition of the high term on count 1 is reversed, and the matter is remanded for resentencing in accordance with this opinion. The judgment is affirmed in all other respects.

Curry, J.

I concur: Epstein, P.J.  
I dissent: Grimes, J. (Assigned) (Opinion)

B174190 Los Angeles County, D.C.S. (Not for Publication)  
v.  
LaTracy L.

The appeal from the orders concerning minor Patrick is dismissed as moot, and the orders concerning minor M.E. are affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Grimes, J. (Assigned)

## DIVISION FOUR (Continued)

B173677 People (Not for Publication)  
v.  
Mackey

The matter is reversed as to sentencing and remanded for resentencing on count 3 and its enhancement in accordance with the views expressed in this opinion; in all other respects the judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

## DIVISION FIVE

B175108      People                                  (Not for Publication)  
v.  
Darrell Berry

The abstract of judgment is ordered amended to include a \$50 penalty assessment pursuant to Penal Code section 1464 and a \$35 penalty assessment pursuant to Government Code section 7600. The judgment of conviction is affirmed in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J. (with opinion)  
Kriegler, J. (Assigned)

B175894 People (Not for Publication)  
v.  
Lance Eaton

The judgment is affirmed.

Armstrong, J.

I concur: Turner, P.J.  
I concur w/opinion: Mosk, J.

March 09, 2005 (Continued)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B174219 Shon v. Hauser  
B168579 Hama v. City of San Luis Obispo

Argument continued to April, 2005.

B177333 Child Protective Services v. Michelle H.

Argument waived, cause submitted.

B172487     Marriage  
                  of  
                  Seaquist

Appearances:  
Wendy C. Lascher for respondent. Argument continued to April, 2005.

B172158     Vreeken  
                  v.  
                  McNamee

Merits:  
Argued by Edward L. Somogyi for appellant and by John F. Hodges for respondent. Cause submitted.

B167996     Munari  
                  v.  
                  City of El Paso de Robles

Merits:  
Argued by William S. Walter for appellant; by Iris P. Yang for respondent City of El Paso de Robles; and by Paul C. Epstein and Gregory Newmark, Deputy Attorney Generals, for respondent California Commission of Fish & Game. Cause submitted.

DIVISION SIX (Continued)

B171479      G & S Assisted Care-Valley Vista  
                 v.  
                 Sims

Merits:  
Argued by Wendy C. Lascher for appellants and by Justin J. Lansberg for respondent. Cause submitted.

B173254      Tejeda  
                 v.  
                 Taylor

Merits:  
Argued by Herb Fox for appellants Taylor, Christopher E. Deal for appellant Back and by James R. Nichols for respondents. Cause submitted.

Perren, J. left the bench.

B161737      Santa Maria Enterprises, Inc.  
                 v.  
                 Texaco Exploration & Production

Merits:  
Argued by Herb Fox for appellants, by Christopher P. Berka for respondent Texaco and by Christine C. Lyden for respondent RMR, Inc. Cause submitted.

Court recessed at 11:15 A.M.

Court reconvened at 1:30 P.M.



DIVISION SIX (Continued)

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B169667 M & H Glass v. Rimar Trust

Case off calendar.

B172894 Hudson  
v.  
McCann

Merits:

Argued by Denise A. Broгна for appellants and by Paul B. Blatz for respondents. Cause submitted.

B172056 California Insurance Guarantee Association  
v.  
Worker's Compensation Appeals Board  
American Motorists Insurance. Co., Respondent

Review:

Presented by Richard E. Guilford for petitioner and by Kathleen L. Wilson for respondent American Motorists Insurance Co. Cause submitted.

B175993 California Insurance Guarantee Assoc.  
v.  
Worker's Compensation Appeals Board  
Argonaut Insurance Co., Respondent

Review:

Presented by Richard E. Guilford for petitioner and by Matthew Sassano for respondent Argonaut Insurance Co. Cause submitted.

DIVISION SIX (Continued)

B172831 Bolour  
v.  
Aquatics Dive Locker

Merits:  
Argued by Richard A. Lesser for appellants and by Mohammad "Moe"  
Nadim for respondents. Cause submitted.

Gilbert, P.J. left the bench.

B173553 Torres  
v.  
Armenta

Merits:  
Argued by James E. Marino for appellants / cross-respondents and by  
James E. Cohen for respondents / cross-appellants. Cause submitted.

B173785 Wellman  
v.  
Rodman

Merits:  
Argued by Lindsay Wellman, appellant, appearing in propria persona and  
by Denise A. Brogna for respondent. Cause submitted.

Court adjourned at 3:15 P.M.

B176709 Human Resources Agency  
v.  
Jennafer Y.  
In the matter of Atsa Y.

Filed order dismissing appeal. Appeal (notice of appeal filed 7/02/04)  
dismissed.

## DIVISION SEVEN

B174598      Krongold      (Not for Publication)  
v.  
City of Los Angeles

The judgment is affirmed. Each party to bear their own costs.

Johnson, Acting P.J.

We concur: Woods, J.  
Zelon, J.

B167220      Yitzchak K. et al.      (Not for Publication)  
v.  
The Los Angeles Unified School District

The order denying appellants' petition for relief from the claim filing requirements is reversed and the cause is remanded with the following directions. Upon remand, the superior court shall dismiss the petition as moot. Appellants are awarded their costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.  
Zelon, J.

B171299      Smith-Hemion Productions, Inc. (Not for Publication)  
v.  
Segura

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION SEVEN (Continued)

B174641      Welch      (Not for Publication)

$$\mathbf{V}_i$$

Los Angeles County Metropolitan Transportation Authority

The judgment is affirmed. Each party to bear their own costs.

Johnson, Acting P.J.

We concur: Woods, J.  
Zelon, J.

B173595 People (Not for Publication)

V.

Johnson

The robbery conviction in count 26 is reversed and the sentence imposed on that count is stricken. As so modified, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Zelon, J.

B160496      Sudnicki      (Not for Publication)

V.

# Goland

The judgment is reversed as to liability and damages on the wrongful termination, breach of fiduciary duty and fraudulent concealment causes of action. The judgment is affirmed as to liability on the defamation cause of action. The denial of the motion for a new trial is reversed and the cause is remanded for a new trial. The parties shall bear their own costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.  
Woods, J.

March 09, 2005 (Continued)

## DIVISION SEVEN (Continued)

B170908      Patrichi      (Not for Publication)

$$\mathbf{V}_i$$

Patrichi et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur:   Johnson, Acting P.J.

Woods, J.

B165843      Y00

$$\mathbf{V}_s$$

Robi

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION EIGHT

B176294 People (Not for Publication)

$$\mathbf{V}_i$$

Quijada

The judgment of the trial court is reversed, and the matter remanded to the trial court to conduct a new sentencing hearing at which time the court shall exercise its discretion whether to reinstate probation or order the sentence to be in force and effect.

Rubin, J.

We concur: Cooper, P.J.

Boland, J.